

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

---

DALE E. BUKOVCAN,

Plaintiff,

v.

Case No. 06-C-173

STATE OF WISCONSIN DEPARTMENT OF  
CORRECTIONS DIVISION OF PROBATION  
AND PAROLE, and AGENT LISA RUH,

Defendants.

---

**ORDER**

On March 27, 2007, defendants's attorney notified me that plaintiff had not responded to defendants's discovery requests and had told such attorney that he was not sure if he wanted to proceed with this lawsuit. Thereafter, I stayed the operative scheduling order and set a telephonic status conference for April 18, 2007, at 2:30 p.m., to discuss the case. Plaintiff called chambers and asked for a different time, and I moved such conference to 11:30 a.m. On April 18, 2007, at 11:30 a.m., a member of my staff called plaintiff and received no answer. She left a message for plaintiff to call back immediately upon receiving the message. To date, plaintiff has not yet contacted my office.

Given plaintiff's failure to respond to defendants's discovery requests, his statement to defendants's attorney, and his failure to abide by my order regarding the April 18 telephonic conference, it appears that plaintiff is not diligently prosecuting this action, justifying dismissal under Civil Local Rule 41.3 (E.D. Wis.). Thus, plaintiff is hereby warned that I will dismiss this action with prejudice in seven days unless before that date plaintiff: (1) adequately responds to each of defendants's outstanding discovery requests; and (2) notifies the court that he has

adequately responded to defendants's outstanding discovery requests. A copy of Civil Local Rule 41.3. is attached.

**SO ORDERED** at Milwaukee, Wisconsin, this 23rd day of April, 2007.

BY THE COURT:

s/Lynn Adelman  
LYNN ADELMAN  
District Judge

### **Civil L.R. 41.3 Dismissal for Lack of Diligence**

Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party can petition for reinstatement of the action within 20 days.